

HOUSE BILL 1991

By McCord

AN ACT to amend Tennessee Code Annotated, Section 49-5-413, relative to contracting with certain persons who may have contact with certain children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following new subsection:

(d)

(1) Any contract entered into or renewed on or after July 1, 2007, between any person, corporation or other entity and a local board of education or child care program as defined in § 49-1-1102, shall contain a clause substantially similar to the one set out in subdivision (d)(2) if the terms of the contract involve or may involve the contracting person, an employee of the contracting person, corporation or other entity, or a subcontractor or employee of a subcontractor of the contracting person, corporation or other entity having direct contact with school children, or children in a child care program, or permit the contracting person or employee access to the grounds of a school or child care center when children are present.

(2)

THE CONTRACTING PARTY HEREBY AGREES THAT NO PERSON EMPLOYED BY THE CONTRACTING PARTY, WHETHER THE CONTRACTING PERSON, A DIRECT EMPLOYEE OR A SUBCONTRACTOR OR EMPLOYEE OF A SUBCONTRACTOR, WHO IS REQUIRED TO REGISTER WITH THE "TENNESSEE SEXUAL OFFENDER AND VIOLENT SEXUAL OFFENDER REGISTRATION,

VERIFICATION AND TRACKING ACT OF 2004 BY REASON OF CONVICTION OF A SEXUAL OFFENSE OR VIOLENT SEXUAL OFFENSE SHALL, DURING THE COURSE OF EMPLOYMENT OR AT THE DIRECTION OR CONSENT OF THE CONTRACTING PARTY, HAVE DIRECT CONTACT WITH SCHOOL CHILDREN OR CHILDREN IN A DAY CARE PROGRAM OR DIRECT THAT ANY SUCH PERSON GO UPON, FOR EMPLOYMENT PURPOSES, THE GROUNDS OF A SCHOOL OR CHILD CARE CENTER WHEN CHILDREN ARE PRESENT OR PERMIT ANY SUCH PERSON ACCESS TO SCHOOL OR CHILD CARE CENTER GROUNDS.

(3)

(A) If, by a preponderance of the evidence, it is determined that the contracting party is in violation of any of the requirements of subdivision (d)(2), the contract is immediately terminated and no further payments by the local education agency or child care center shall be required.

(B) In addition to subdivision (d)(3)(A), any contracting party found to be in breach of a contract because of a violation of any of the requirements of subdivision (d)(2) shall be prohibited from bidding on any further contracts with a local education agency or child care center for a period of five (5) years.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it, and shall apply to all applicable contracts entered into or renewed on or after the effective date of this act.